

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

DEREK CRAIN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

MACROGENICS, INC. and SCOTT
KOENIG,

Defendants.

Case No.: 8:24-cv-02184-ABA

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that Co-Lead Plaintiffs Ron Bassman, Jean-Louis Jorissen and Comed NV (“Plaintiffs”), through their undersigned counsel of record, hereby voluntarily dismiss the action, without prejudice, pursuant to Fed. R. Civ. P 41(a)(1) as follows:

WHEREAS defendants do not object, have not answered nor moved for summary judgment and no class certification motion has been filed;

WHEREAS Plaintiffs have not entered into any agreement with any defendant in connection with the voluntary dismissal;

WHEREAS neither Plaintiffs nor their counsel have received or will receive any consideration for dismissal;

WHEREAS under Federal Rule of Civil Procedure 41(a)(1), Plaintiffs are entitled to dismiss this action on their own initiative:

Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. . . .

WHEREAS although this case alleges putative class claims, Federal Rule of Civil Procedure 23(e) is inapplicable to the instant dismissal as the dismissal does not involve the claims, issues or defenses of a certified class - or a class proposed to be certified for purposes of settlement;

WHEREAS no prejudice to absent putative class members will result from dismissal of the action because a class has not been certified, the dismissal will not affect their rights, and there is no imminent statute of limitations or repose deadline;

WHEREAS Federal Rule of Civil Procedure 23(e)(1)(B) is inapplicable as none of the absent putative class members would be bound by the instant dismissal; and

WHEREAS no notice need be sent to absent putative class members, because a class has not been certified, the case is in its infancy, and no absent putative class member will be bound by the voluntary dismissal of Plaintiffs' claims.

THEREFORE, Plaintiffs hereby dismiss the action without prejudice as to Plaintiffs' individual claims.

Dated: December 16, 2024

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Dated: December 16, 2024

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Liaison Counsel for Lead Plaintiffs

CERTIFICATE OF SERVICE

I, Jordan A. Cafritz, hereby certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 16th day of December 2024.

/s/ Jordan A. Cafritz

Jordan A. Cafritz